

# EXHIBIT X

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

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JESSE REYES, DANIEL REYNOSO,  
LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, LATINO COMMUNITY FUND  
OF WASHINGTON,

Plaintiffs,

v.

Case No.:

BRENDA CHILTON, et al.,

4:21-cv-05075-MKD

Defendants.

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VIDEOCONFERENCE DEPOSITION OF BRENDA CHILTON AS 30(b)(6)

CORPORATE REPRESENTATIVE FOR BENTON COUNTY

DATE: Tuesday, May 16, 2023

TIME: 9:01 a.m.

LOCATION: Remote Proceeding

Los Angeles, CA 90017

OFFICIATED BY: Denise De La Cruz, Notary Public

JOB NO.: 5866562

1 Q Why don't we start with current staff?

2 A Okay. So I have five full-time elections  
3 staff. Amanda Hatfield is the elections manager, Grace  
4 Davidson is the elections systems supervisor, Jerry  
5 Torres is the elections specialist, and there are two  
6 office assistants. I'm not sure if I have their names  
7 correct 'cause they are fairly new. There is Tracy Fox  
8 [ph] and Abigail -- what is that girl's last name? --  
9 Severson [ph]. Abigail Severson [ph].

10 In addition, we use staff that are not  
11 necessarily full time to the elections division. They  
12 may work full time in our recording/licensing division,  
13 but are trained and/or certified in election. That  
14 might include -- currently, it includes Lorene Roe,  
15 Lauren Miller, Shaun Bollinger [ph], Miranda Cervantes  
16 [ph]. I believe that those are the -- all of the  
17 current staff.

18 Q For the staff that may come from other areas  
19 of -- and I'm assuming here, the auditor's office; is  
20 that correct? That you were just talking about?

21 A Yes. Correct.

22 Q Okay. So for staff that comes from other  
23 areas of the auditor's office, you stated that they were  
24 trained or certified in elections. What does that mean?

25 A So depending on the employee, some of them

1 have become certified through the Washington State  
2 Secretary of State's certification program. Lauren  
3 Miller is certified. Shaun Bollinger [ph] is certified.  
4 Other staff have been trained and worked periodically in  
5 elections for -- well, any of them who are checking  
6 signatures have completed signature verification  
7 training. We don't -- we don't use anyone who has not  
8 taken signature verification training to verify  
9 signatures.

10 Q And how many times have those staff been  
11 trained in signature verification training?

12 MS. CASTILLO: Object to form.

13 A It varies depending on the employee.  
14 Generally, we like to have them attend every two to  
15 three years if training is available. And so I've taken  
16 the training multiple times; Lorene, Amanda, Grace,  
17 Jerry have all taken the training multiple times. Tracy  
18 and Abigail, because they are fairly new to the  
19 department, have each taken it -- taken it once. And  
20 then Lauren and Miranda have taken it at least once if  
21 not more. And Shaun is multiple times.

22 Q And --

23 A I apologize. Shaun has taken it multiple  
24 times as well, Shaun Bollinger [ph].

25 Q And when staff take signature verification

1 training, do they do it -- take a refresher course  
2 before elections?

3 A If there is a course available, we -- we will  
4 send them to or have them participate in the training.  
5 Oftentimes now, the trainings are -- are offered  
6 virtually. And so any time there is virtual training,  
7 we look to see when was the last time an employee took  
8 the training and if we can fit it in their schedule, we  
9 try and have them take the training.

10 Q But Benton County does not mandate that  
11 election staff who does signature verification take  
12 refresher or training courses before elections in which  
13 they are going to be verifying signatures; is that  
14 correct?

15 A Before every election?

16 Q Yes, before every election.

17 A No, we don't do that currently, primarily  
18 because it's not offered before every election.

19 Q Are signature verification trainings, to your  
20 knowledge, available to Benton County Auditor staff to  
21 check signature verification before each election cycle?

22 MS. CASTILLO: Object to form.

23 A No. It is not available before each election  
24 cycle through the secretary of state's office. It used  
25 to be provided through the Washington State Patrol

1     periodically; generally, like, once a year.     Maybe twice  
2     a year.     And currently, the secretary of state's office  
3     periodically offers the training because the state  
4     patrol no longer does them.

5             Q     Are there other organizations that provide  
6     signature verification training for elections at Benton  
7     County as available to them?

8                     MS. CASTILLO:     Object to form.

9             A     Not that I'm aware of.

10            Q     Has Benton County looked into whether or not  
11     they would be able to have training courses from outside  
12     sources on signature verification?

13            A     No.

14            Q     Why not?

15            A     The resources that have been available to us  
16     over the last several years have been frequent enough  
17     that we've been comfortable with the -- the availability  
18     of the training.

19            Q     So I'm going to go back to talk about folks  
20     that you had spoken with.     So you had spoken with Amanda  
21     Hatfield.     You've spoken with some other folks in your  
22     office.     Is that correct?

23            A     That's correct.

24            Q     Okay.     Is there anyone else that you had  
25     spoken to with respect to this deposition?

1 procedure similar or the same as the Washington  
2 canvassing review board manual?

3 MS. CASTILLO: Object to form.

4 A I believe that -- well, the canvassing review  
5 board manual is fairly high level, so it doesn't  
6 necessarily contain some of the, you know, more in-depth  
7 processes where it's as related to running the ballots  
8 or ballot-sorting equipment to capture the signatures.  
9 In -- in large, it --

10 Q Okay. Is there anything else you did to  
11 prepare for your deposition today that we hadn't talked  
12 about?

13 A I reviewed some other documents, talked to my  
14 elections manager about things like who may have worked  
15 during a particular election, who may have checked  
16 signatures during a particular election. I reviewed  
17 the -- our responses to the discovery. I reviewed the  
18 state's retention schedules. I reviewed the state's --  
19 state auditor's performance review audit. And then some  
20 other miscellaneous items that may be applicable to --

21 Q You said that -- apologies. You just stated  
22 that you reviewed some other documents. Do you remember  
23 what those documents you reviewed were?

24 A I reviewed the signatures that we discussed  
25 earlier. I reviewed an example of the procedure that my

1 staff uses to prepare for canvassing boards. I reviewed  
2 some samples of our canvassing board minutes. I  
3 reviewed the canvassing board policies and procedures.  
4 I reviewed a sample checklist that my elections manager  
5 uses for each election cycle.

6 As already discussed, I used the procedure  
7 that we provide the staff on how to access VoteWA for  
8 signature verification. We already discussed the  
9 canvassing boards. Manuals; the VoteWA user guides; our  
10 internal strategic plan documented years ago. Reviewed  
11 the state auditor's performance audit report. Materials  
12 related to voter outreach, primarily social media. I  
13 reviewed the cure letter that -- that we use when a  
14 ballot is challenged. The 2022 primary voters'  
15 pamphlet; a copy of that.

16 The script that we provide to the call service  
17 that answers our phones during an election cycle as well  
18 as the script that we provide to that same call service  
19 when they contact voters who have challenged ballots.

20 And a dated media handbook that we used to distribute to  
21 local media outlets. The -- as already discussed, the  
22 state patrol training materials. We already discussed  
23 the E-101 manual that also includes the voter intent  
24 manual as an appendix.

25 Some documentation evidencing some signature



1 verification training for one of our commissioners, Will  
2 McKay. Handful of WACs and RCWs related to signature  
3 verification. A document -- single document related to  
4 an email where somebody inquired about the ballot. A  
5 performance audit. Some screenshots of our website.  
6 And the retention schedule already indicated.

7 Q Ms. Chilton -- oh.

8 A The -- discovery request. And then the last  
9 thing was documents related to some inquiries we made  
10 with the secretary of state -- regarding automatic  
11 signature recognition.

12 Q Okay. Ms. Chilton, did you review any expert  
13 reports in preparing for this deposition?

14 A No.

15 Q Have you reviewed any expert reports in this  
16 case? Or related to this case?

17 A Some time ago, yes.

18 Q Okay. And which expert reports were those?

19 A I don't recall specifically.

20 Q Okay. I am going to show you Exhibit 1 and I  
21 will put it in the chat.

22 (Exhibit 1 was marked for  
23 identification.)

24 I don't think it allows me to put documents in  
25 the chat.

1       been sent back and are being processed by county  
2       elections staff.

3                       MS. CASTILLO:   Object to form.

4               A       So I think I left off earlier that signatures  
5       were uploaded into the VoteWA system by the secretary of  
6       state's office and our staff access them through VoteWA.  
7       They see a screen with the cropped signature from our  
8       ballot-sorting equipment.   Four -- it's four signatures  
9       across with the ballot signatures on top and any  
10      available signatures for those voters below them.  
11      The -- the staff use the training that they've received  
12      to make a determination as to whether or not they  
13      believe the signature matches.   If they believe the  
14      signature matches, they accept -- they -- they mark the  
15      ballot as "accept" in the system.   But if they -- if  
16      there's not a signature on the ballot or they do not  
17      believe the signature matches or for some other reason,  
18      they will mark the ballot as "challenged."

19                    When they've completed that process for the --  
20      the ballots that are -- been batched together, normally  
21      for a day -- the ballots received, then those -- those  
22      ballots do go for a second pass through our sorting  
23      equipment.   The sorting equipment outstacks anything  
24      that's been challenged into separate trays and counts  
25      any -- any ballots that have been marked "accept" into

1 trays of 200 so that they can move forward in the  
2 process. Any ballots that are marked and outstacked for  
3 challenge reasons are then moved to our election systems  
4 supervisor, and she, generally the same day, depending  
5 on the timing of the day -- it may not occur until the  
6 following morning -- but she goes through all of those;  
7 verifies that there's a signature on the ballot. If  
8 it's a no signature, it -- it -- or, you know, looks at  
9 the other challenged items, specifically in relation to  
10 the signature discrepancies and mismatches. She uses  
11 the physical ballot and reviews the signatures and takes  
12 a little bit more time.

13 Our -- our first-pass review of those  
14 signatures, our staff is instructed -- because they're  
15 looking at, sometimes, you know, hundreds, thousands of  
16 ballots a day in a very short period of time -- they're  
17 instructed not to -- to spend a substantial amount of  
18 time on signatures that they have questioned. That is  
19 generally then during that second tier of review, which  
20 is done by our elections systems supervisor. She takes  
21 the -- the ballot and uses the -- the elements set forth  
22 in our training and in -- in the -- the WAC to break the  
23 signature down a little bit more and determine whether  
24 or not she believes that it is still a signature  
25 discrepancy. If after looking at it, she believes the

1 signature matches, she will change the signature to a --  
2 in the system to "accept." It goes back through -- a  
3 pass through our sorter so that it can move on in the  
4 process. If she agrees with the -- the first --  
5 first-tier signature checker that it does not appear to  
6 be a match, then she will move it forward for  
7 notification to the voter that their signature has been  
8 challenged and a cure letter is sent out to the voter  
9 immediately to notify them that their -- their  
10 signature -- there was a signature issue.

11 Ultimately -- let's say if -- if the voter  
12 cure -- sends a cure letter back, then that is reviewed  
13 by the elections systems supervisor. They compare the  
14 signature on the cure letter to the signature on the  
15 ballot and if it then matches, then they change it to  
16 "accepted" in the system and it moves forward in the  
17 process. If the signature does not still match, either  
18 because they returned a cure letter or we didn't receive  
19 a response back from the voter, ultimately, it gets  
20 moved to that third tier of review, which is the  
21 canvassing review board. The canvassing review board  
22 are presented with those items, generally the day before  
23 certification of the election. We meet all day and we  
24 review any challenged items. And the canvassing board  
25 reviews each one of those items using, you know,

1 applicable training and the -- the elements set forth in  
2 the WAC.

3 At the beginning of each canvassing review  
4 board meeting, we always go through the exercise of  
5 reading the -- the applicable WAC that sets forth the  
6 elements to be looking at when reviewing a signature.  
7 The canvassing review board has a discussion on each  
8 item as to whether or not they believe the signature  
9 matches or doesn't match and ultimately the -- the board  
10 will vote to determine whether or not to reject the  
11 ballot or to accept the ballot. And then, really, the  
12 last step of that process -- of course, if the -- the  
13 board accepts those ballots, then they move forward and  
14 are open and tabulated. If the ballot is rejected  
15 following certification of the election, staff sends  
16 notification out to the voter and encourages them to  
17 update their signature so that we don't -- that they're  
18 more likely to have their ballot counted in future  
19 elections.

20 Q So I want to go back to that first tier of  
21 review. Can you explain to me how Benton County  
22 structures a first tier of signature review?

23 MS. CASTILLO: Object to form.

24 A I -- I'm not sure of your question.

25 Q Yeah. No problem. So Benton County has a

1 certification and receive signature verification --  
2 signature verification training as well. We do -- our  
3 elections systems supervisor recognizing newer staff  
4 does keep that in mind when she's doing that second-tier  
5 review.

6 Q And so earlier, you had said that you would  
7 like your staff to be trained every two to three years  
8 for signature verification. Is that a requirement of  
9 Benton County?

10 A It is not a requirement. Generally, when we  
11 receive notifications of available training, we will  
12 work with you and -- and determine whether or not -- as  
13 I indicated earlier -- whether or not timing will --  
14 will allow staff that has not attended for a period of  
15 time to attend.

16 Q Why isn't it a requirement for folks to have  
17 been trained frequently for signature verification?

18 MS. CASTILLO: Objection. Form.

19 A We -- we generally have a best practice that  
20 we review staff's, you know, recent training  
21 opportunities and determine whether or not they --  
22 while -- so while we haven't made it a policy, we have  
23 made it a best practice to try and get periodic training  
24 for all of our signature verifiers.

25 Q Are best practices binding on staffers of

1 Benton County?

2 A No.

3 Q Is there -- strike that. How does Benton  
4 County know that each staffer, during the first level of  
5 signature verification and review, are applying the same  
6 standards to each ballot?

7 MS. CASTILLO: Object to form.

8 A We have instructed them to follow the -- the  
9 training that they've been provided as well as the  
10 standards set forth in the applicable WAC.

11 Q How do you know that your staffers are  
12 following the training that they've been provided when  
13 reviewing signatures?

14 A I don't know that we have a set process to  
15 evaluate that other than my elections systems supervisor  
16 and -- and I should say in response to, you know, the  
17 second-tier review on occasion that the elections  
18 manager might do that function if for some reason the  
19 elections systems supervisor is out sick or something  
20 like that. But the elections systems supervisor and the  
21 elections manager, when we have very limited staff, are,  
22 of course, evaluating them for the other, you know,  
23 aspects through probationary periods and these types of  
24 things. And this continues to guide them in terms of  
25 what the standards are related to signature

1 determining whether each signature reviewer is applying  
2 their training or WACs in the same consistent manner to  
3 each ballot that they're reviewing?

4 A No. No.

5 MS. CASTILLO: Objection to form. Asked  
6 and answered.

7 BY MS. WAKNIN:

8 Q Oh, Ms. Chilton, you're --

9 A I don't know if I -- I apologize. I don't  
10 know --

11 Q Okay. So I'm just going to ask you to repeat  
12 that. I think a bunch of us were talking over -- could  
13 you repeat your --

14 A What was the -- what was the question again?

15 Q Sure.

16 MS. WAKNIN: Ms. De La Cruz, can you  
17 please repeat or read on the record my last question?

18 THE OFFICER: Yes. One moment.

19 (The officer read the record as  
20 requested.)

21 THE WITNESS: No.

22 BY MS. WAKNIN:

23 Q Ms. Chilton, I'm now going to ask about the  
24 second tier of review. So is it the case, as you  
25 stated, that Benton County has a second tier of review



1 for when there is a signature that is flagged?

2 A That is correct.

3 Q And who are the people who are responsible for  
4 that second tier of review?

5 A Depending on the time period, it's -- it could  
6 vary because of some organizational changes in the  
7 division. It used to be the elections specialist and  
8 for a number of years, it was Jerry Torres who did the  
9 second level of review. And after we added a  
10 supervisory level to our organization, it was Rene Rojas  
11 as the elections system supervisor for a number of  
12 years. And then after Rene Rojas left for another job,  
13 Grace Davidson, who's our current elections system  
14 supervisor, does it. As I mentioned earlier, if for  
15 some reason one of those individuals was out sick or --  
16 or -- we don't take vacations very much -- but the  
17 elections manager might step into that role so that we  
18 can timely get -- get those reviewed and the cure  
19 letters sent if needed.

20 On occasion that a second-tier reviewer -- if  
21 they have questions about elements of the signature or,  
22 you know, somebody signed with a power of attorney or  
23 something like that, they might draw the elections  
24 manager in for a discussion about whether or not it's a  
25 valid signature. So there might be two individuals

1 during varying times reviewing a particular signature.

2 Q And I apologize. I'm going to ask you a  
3 question on the first-tier review. Previously, you had  
4 stated that your viewers don't spend a significant  
5 amount of time reviewing signatures; is that correct?

6 A Because of the volume that they're going  
7 through on a daily basis, I believe they spend the  
8 amount of time needed to determine whether or not it's a  
9 signature match. On some of the more challenging  
10 signatures, we've instructed them not to spend a  
11 significant amount of time. If they -- if their first  
12 instinct is -- is if they have questions about whether  
13 or not it matches, we have them challenge it so that it  
14 can go to the second-tier review and more time can be  
15 spent analyzing that signature. So we instruct them to  
16 spend enough time on each signature that they're  
17 confident that it matches. If they are questioning  
18 whether or not it does match, then we've instructed them  
19 not to spend a significant amount of time primarily in  
20 relation to our two office assistants, who don't have  
21 the years and years of experience but our second-tier  
22 reviewers do. You know, we need them to be checking  
23 other signatures and not spending a significant amount  
24 of time on ones that they do question.

25 Q And what is Benton County's definition of a

1 this WAC?

2 A No.

3 Q You mentioned training; is that correct?

4 A Yes.

5 Q It could be the case that a signature reviewer  
6 who is determining whether or not a signature is  
7 handwritten could have been trained two or three years  
8 prior; is that correct?

9 A That's correct.

10 Q How does Benton County know that a signature  
11 reviewer who has been -- who has taken training two or  
12 three years prior remembers what it means that a  
13 signature is handwritten?

14 MS. CASTILLO: Object to form.

15 A They're -- they're provided the resources  
16 including the materials provided at their training; the  
17 WAC. Those resources are all available to them at any  
18 time they're doing signature verification.

19 Q So understanding that the resources are  
20 available to election staff, how does Benton County know  
21 that election staff understand what it means that a  
22 signature is handwritten other than the fact that they  
23 have gotten -- they may have gotten trained?

24 MS. CASTILLO: Object to form.

25 A Well, for new employees, we -- you know, we

1 generally provide them oversight through, you know,  
2 their early elections to make sure that they're  
3 understanding, and the supervisors would check in with  
4 them on a regular basis. The more experienced signature  
5 checkers, some of whom have, you know, checked probably  
6 tens of thousands if not more signatures over the years;  
7 they're just reminded in what we do from election to  
8 election.

9 Q So what I understand you saying though is that  
10 there is no actual policy that Benton County has to  
11 determine whether or not a signature reviewer  
12 understands the first portion of this WAC; that a  
13 signature -- what it means that a signature is  
14 handwritten. Is that correct?

15 A Correct.

16 Q What type of oversight do new employees  
17 receive from -- when they're doing signature  
18 verification?

19 A So new employees aren't -- aren't allowed to  
20 do signature verification until they've completed the --  
21 the training, either through state patrol or the  
22 secretary of state's office. But once they've had the  
23 training, our supervisory staff is available to them as  
24 they work through their first couple of elections to  
25 make sure that they can answer any of their questions.

1 and -- there wasn't any regularly-scheduled training  
2 coming up, so we worked with the state patrol, who did  
3 an individualized training for -- for this commissioner  
4 so that they had signature verification training before  
5 they sat on the canvassing board. And that's been our  
6 general practice. I instruct my elections manager to  
7 review those -- those things ahead of time just to make  
8 sure that we're providing that training when it comes to  
9 assisting the individual in getting some training before  
10 they sit on the canvassing review board.

11 Q And who was that commissioner that you're  
12 referring to?

13 A Commissioner Will McKay.

14 Q And so you stated prior that it's not a  
15 written practice to require members of the canvassing  
16 review board and Benton County to receive signature  
17 verification; is that correct?

18 A Correct. We do not have a written policy.

19 Q Could you adopt a written policy? -- or strike  
20 that. Could the canvassing review board adopt a written  
21 policy to require members who sit on the canvassing  
22 review board to have signature verification training?

23 A I would want to review that with my counsel,  
24 but I believe that the board could pass that as a  
25 requirement.

1 from "challenged" to "accepted" at the second tier when  
2 it was a -- originally challenged by a newer employee.

3 Q How long is the training that signature  
4 review -- like, employees conducting signature review  
5 take?

6 A My recollection is it's about a two-hour  
7 training.

8 Q Are members of the canvassing review board  
9 required to be trained for signature verification?

10 A Yes --

11 Q Does Benton County -- so it's your belief that  
12 Benton County requires members of the canvassing review  
13 board to be trained in signature verification?

14 A Yes. Yes.

15 Q Where is that -- oh, apologies.

16 A Well, I -- it's not a written policy, but  
17 we've made it a practice to review who the canvassing  
18 board members are going to be for an upcoming election  
19 cycle and make sure that they have had signature  
20 verification training. For example, a couple of years  
21 ago, we -- we had a new commissioner and there was a  
22 circumstance where the chairman of the board who  
23 normally serves on the canvassing board was not going to  
24 be able to serve on the canvassing board for the fall  
25 election cycle. And so we worked with the state patrol

1 Q Of course. So does Benton County place any  
2 penalties on members of the canvassing review board that  
3 do not follow best practices of Benton County when it  
4 comes to signature verification training?

5 MS. CASTILLO: Object to form.

6 A I'm unaware of any authority that the county  
7 would have to do so, so no.

8 Q And how does Benton County ensure that members  
9 of the canvassing review board are acting -- are  
10 following their training when they are reviewing  
11 signatures?

12 MS. CASTILLO: Object to form.

13 A So we -- we always start our canvassing board  
14 meetings by reviewing the WAC. We -- we read it aloud  
15 and make sure that there are no questions about what the  
16 elements are that must be used for evaluating  
17 signatures. And I -- I'm not sure that -- what other  
18 methods there would be to ensure that they're using  
19 those.

20 Q How does Benton County know that each member  
21 of the canvassing review board is applying the WAC for  
22 signature verification standard in the same consistent  
23 manner?

24 MS. CASTILLO: Object to form.

25 A So generally during the course of a canvassing

1 board meeting when we're reviewing signatures, it's a  
2 group discussion. It's not -- it's, you know -- it's  
3 not a quick "yea, nay" vote as to whether the signature  
4 matches. We take a considerable amount of time to  
5 individually assess each signature as it compares to the  
6 signatures that are on -- the available signatures in  
7 the -- the voter's record, and that includes all  
8 elements that are set forth in the WAC. And at any  
9 given time, a single signature could take five minutes  
10 because it's -- you're, you know, the five elements set  
11 forth in the WAC, when you start to break those down and  
12 assess those and whether or not there are multiple  
13 characteristics -- certain characteristics between the  
14 two signatures -- all of that is done during the course  
15 of the canvassing board meeting. Again, we don't -- we  
16 don't just quickly look at the signature and say "yea"  
17 or "nay." We actually assess every element in the WAC  
18 on every signature during a canvassing board -- review  
19 board meeting. And so my -- go ahead.

20 Q How do you all assess every element on a  
21 signature during a canvassing review board meeting?

22 A So again, it's -- it's generally a -- a group  
23 discussion. So we lay the signatures side by side and  
24 we have a discussion about whether or not the --  
25 primarily the elements 2 through 5. Fairly easy to



1        assess whether or not a signature is handwritten; but as  
2        it relates to things like style and general appearance,  
3        the proportion of letters and irregularities, unusual  
4        characteristics, one or more of us will verbalize during  
5        the meeting that, oh, well, look. Here, you know --  
6        look at the first letter of this compared to the first  
7        letter of this or there's a gap between this letter and  
8        this letter that is consistent between this and this.  
9        Or it may be differences in -- in the elements of the  
10       signature, like the way that a person writes their "A"  
11       versus -- in one signature versus the next available  
12       signature to review.

13                So I -- you know, I've been doing this for 25  
14       years; checked signatures all the way back to when I  
15       first became employed in 1998 and we checked signatures  
16       on absentee ballots back then. I sat on a number of  
17       canvassing boards over the years and, you know, with no  
18       exception, every member of the canvassing board -- of  
19       every canvassing board that I sat on has participated in  
20       the discussion, the group discussion, as to whether or  
21       not each and every signature matches.

22                Q        So I'm trying to understand. Does Benton  
23       County use, like -- to evaluate signatures then, when  
24       you're having them side by side -- like a point system?  
25       to determine how many points, like, a signature may

1 ballot. The importance of, kind of, the group  
2 discussion by the -- by the canvassing review board is  
3 this really important -- really important practice that  
4 was adopted here in Benton County.

5 Q So what I understand you to say is that  
6 besides the group discussion that the canvassing review  
7 board has, there is no set policy and procedure from the  
8 canvassing review board that has been adopted to ensure  
9 that each ballot that comes before the canvassing review  
10 board is treated in the exact same manner as other  
11 ballots. Is that correct?

12 MS. CASTILLO: Object to form.

13 A There is no written policy, no.

14 Q If there is no written policy, how does the  
15 canvassing review board or Benton County publicize the  
16 type of process it uses for signature verification to  
17 voters in Benton County?

18 MS. CASTILLO: Object to form.

19 A I'm not sure what you mean by "publicize."

20 Q Or maybe we could say, how do you educate  
21 voters on the process in which their ballots will go  
22 through through the signature verification process?

23 A So there are a number of opportunities to  
24 educate voters. We developed a graphic that explains  
25 what the process is that a ballot -- the -- kind of

1 the -- that a ballot -- from the time it's mailed to you  
2 to the time that it is ultimately tabulated. We also  
3 have a -- a robust observer program and the elections  
4 processes are open to the public at any given time.

5 And we -- we invite -- our observer program  
6 that we -- we always had an observer program, but we  
7 kind of ramped it up a couple of years ago and modeled  
8 it after another county's program and -- and we -- we  
9 certainly had problems getting observers to show up from  
10 election to election. And it was really our desire to  
11 make sure we had observers from election to election,  
12 and so we adopted a paid observer program. We pay a  
13 small stipend to a coordinator from the Democrat Party,  
14 the Republican Party, and the League of Women Voters.  
15 The coordinator gets observers and so that way, we make  
16 sure to have observers at every election. They're the  
17 official observers, so they can come inside of our  
18 processing area and see what we're doing. But we also  
19 have -- allow observers. We have a general viewing  
20 area.

21 And then a couple of years ago, we set up a  
22 signature verification -- I don't know -- area. We  
23 bought very large-screen monitors that -- they're just a  
24 bay. I guess we could call it a bay -- a bay of six  
25 monitors that are -- I don't know -- they've got to be

1 at least 50-inch monitors. There's six of them. And  
2 our -- it displays -- casts -- each of the signature  
3 verifiers' process from their screen at their desk to  
4 the signature bay. And so -- and then we have chairs  
5 and stuff so people can come in and sit, and they can  
6 watch the entire signature -- signature verification  
7 process as it's live.

8 Q Yeah. And, Ms. Chilton, I appreciate that  
9 detailed explanation. I'm trying to understand, though,  
10 if there is -- if there is not a written policy as to  
11 what, you know, things or elements or clusters or the  
12 signature verification standard is, how does Benton  
13 County educate the public on these elements that their  
14 signature will, you know, potentially be reviewed  
15 against?

16 MS. CASTILLO: Object to form.

17 A Okay. I -- I'm not sure that that was what  
18 the question was the first time. Or if I misunderstood  
19 it, then -- so -- so are you -- are you asking about the  
20 cure process or are you asking about the -- the actual  
21 process of us checking signatures and whether we're  
22 educating the public about the process of checking  
23 signatures and how we check signatures?

24 Q So maybe -- I think that's a good question  
25 and, you know, I don't want to be two ships in the night

1           A     Again, as we've already described, we use the  
2     simulation method.

3           Q     Anything besides the ones that you've already  
4     described? Any other methods that Benton County  
5     signature reviewers use when evaluating signatures?

6           A     No. Not that I can think of.

7           Q     Do signature reviewers follow the ACE-V method  
8     when they're reviewing signatures in Benton County?

9           A     I don't know the ACV [sic] method. I don't  
10    know what that is.

11          Q     And so --

12          A     No.

13          Q     And when canvassing review board members are  
14    at CRB meetings, they're reviewing actual signatures on  
15    ballot declarations. Is that -- on the ballot envelope.  
16    Is that correct?

17          A     Yes --

18          Q     How does -- oh.

19          A     Yes. We have the actual ballot. Sorry.

20          Q     How does Benton County go about picking which  
21    comparator signatures or voter ballot declarations  
22    are -- that are included or compared to the ballot  
23    declaration on the ballot?

24          A     So we use all available signatures that are in  
25    VoteWA to do our comparison. The -- the importance of

1 that is that voters' signatures can change significantly  
2 over time. Or as I described earlier, sometimes people  
3 sign their -- their name differently, like I sign a  
4 credit card receipt differently than I sign if I'm  
5 signing a formal document. And so it may be that they  
6 use one of their signatures to -- to originally sign  
7 that voter registration form or their driver's license,  
8 which oftentimes that's where we're gathering a  
9 signature from. So it's important to look at all of  
10 those. And so they're all available for us at the time  
11 of -- of -- each tier of review. Each of the three  
12 tiers of review have all signatures available to them.

13 Q And when reviewers in the first tier of review  
14 are reviewing or comparing comparator signatures to the  
15 ballot declaration, how does Benton County know which --  
16 that the reviewer is comparing all available signatures  
17 versus one signature to the ballot?

18 MS. CASTILLO: Object to form.

19 A You said during the first tier?

20 Q Yes. Specifically during the first tier.

21 A How do we know that they're using all of the  
22 signatures?

23 Q That they're reviewing all of the signatures  
24 on file and comparing all of the signatures to that one  
25 signature rather than just comparing one signature to

1 instructed to -- to review each of the available  
2 signatures in an attempt to make a match.

3 Q Are these instructions that you're referring  
4 to for Benton County written instructions or oral  
5 instructions?

6 A Oral instructions.

7 Q Okay. And so there is no written instruction  
8 in Benton County stating that signature reviewers should  
9 be looking at all available signatures to them? Is that  
10 correct?

11 A Correct.

12 Q How does the county educate voters about their  
13 comparator signatures for signature verification?

14 MS. CASTILLO: Object to form.

15 A I'm not sure of the question.

16 Q Sure. Does Benton County educate voters  
17 that -- about the fact that they -- that the county has  
18 comparator signatures on file that they're going to  
19 compare a ballot signature to?

20 MS. CASTILLO: Object to form.

21 A So there's a number of ways that we do that.  
22 It's -- it -- we produce a voters' pamphlet that goes  
23 out to every household in the county and there are  
24 materials in there, information in there, related to the  
25 importance of the signature and -- and how you can

1 update your signature with concerns about -- we -- we --  
2 regularly, we -- in particular, media interviews, I  
3 always emphasize the importance of the signature. I've  
4 made it a practice in any media interview I do to share  
5 that information that, you know, if the voter has a  
6 question about how they -- their voter registration  
7 record's signature looks, that the best practice is to  
8 pull out their driver's license 'cause that's -- most  
9 often now, individuals register online. And when you  
10 register online, the signature -- signature that is used  
11 is the signature on your driver's license or election  
12 state ID card. And so that's the best practice in terms  
13 of trying to sign your name on your ballot so that it  
14 matches the signature on record --

15 Q Do you --

16 A Go ahead.

17 Q Do you provide that information in Spanish?

18 A The media interviews or the --

19 Q Do you provide information regarding that --  
20 what you just said; that the signature on your driver's  
21 license is probably the one that you should look at? Do  
22 you provide that information in Spanish to voters?

23 A Not as a general practice. If we have a voter  
24 contact the office, we do have bilingual individuals  
25 that are able to assist voters who have questions about



1     their ballot signatures.   We also provide our cure  
2     letter in Spanish.

3           Q     When did you start providing your cure letter  
4     in Spanish?

5           A     Let me see if I jotted that down.   In the  
6     primary of 2022, we began utilizing the Spanish version  
7     because the secretary of state had started to provide  
8     some resources within VoteWA in additional languages,  
9     and so we were able to use that Spanish language form  
10    and have -- Jerry Torres who works for us has a -- a  
11    major in Spanish and so he generally -- he's assisted us  
12    before in doing some translations.   We generally have  
13    him be the starting point for those and then we have  
14    another individual in our office who's bilingual review  
15    those before we --

16          Q     And the primary of 2022 was in August of 2022;  
17    is that correct?

18          A     Yes.   It would have been in August.

19          Q     And that -- August of 2022 is after the filing  
20    of this incident lawsuit; is that correct?

21          A     That's correct.

22          Q     Ms. Chilton, I'm going to ask, do you have a  
23    blank sheet of paper with you?

24          A     I can get one.   Yes.

25          Q     Okay.   Would you mind picking up a pen for me

1 interviews and those types of things. And so the  
2 voters' pamphlet is supposed to be an informational tool  
3 for our voters and so it seems like a good place to put  
4 information about the importance of your signature.

5 Q And did Benton County put that information  
6 about the importance of their -- of your signature being  
7 compared to the signature on file prior to 2022?

8 MS. CASTILLO: Object to form.

9 A I -- I can't recall specifically. I would  
10 have to go back and look. We -- we didn't have to start  
11 doing a voters' pamphlet for every election until 2021,  
12 I believe. I'm not absolutely certain of the first  
13 election we had to start doing voter pamphlets at every  
14 election. But without going back and looking at those  
15 voter pamphlets, I can't recall what information that we  
16 had. It is in our voters' pamphlets now.

17 Q Okay. Does Benton County partner with any  
18 community groups to educate voters on the importance of  
19 the signature verification process?

20 A We have done a couple of outreach events with  
21 local schools. I've spoken to -- over the years, spoken  
22 to multiple classrooms with regard to the elections  
23 process and likely spoke about mail -- mail balloting  
24 and that we check signatures on every ballot. My  
25 elections staff has partnered a couple of times with --

1 with Franklin County and done community events with  
2 them. I don't know whether or not their -- it was  
3 specific to the importance of the signature. It was  
4 probably more likely in relation to voter registration  
5 and I can't recall -- we -- we do have a desire to do  
6 that. Again, it comes down to resources and we've  
7 had -- just had a very busy couple of years since 2019,  
8 and so we're hoping things slow down enough. But we're  
9 going into 2024, so those things will pick up more and  
10 we'll start planning for 2024.

11 Q And is the reason why things are, I guess,  
12 more fast paced is because Benton County is growing?

13 MS. CASTILLO: Object to form.

14 A Well, I -- I think that there's a -- a lot of  
15 reasons. I think that our -- our plates have been full  
16 with -- with other divisional responsibilities. Some of  
17 us, anyway. And then legislative changes that require  
18 additional resources to implement have been heavy over  
19 the last several years. And so it -- it takes training.  
20 Every time the legislature adds an additional  
21 responsibility, whatever that might be, it requires  
22 training, it requires internal changes, implementation  
23 of procedures, on how to handle those changes.

24 And so -- and then as I mentioned earlier, of  
25 course, COVID was a very challenging time in elections.

1 you've told me thus far to investigate whether or not  
2 there was a disparity between Latino ballots and  
3 non-Latino ballots?

4 MS. CASTILLO: Object to form.

5 A No.

6 Q And why not?

7 MS. CASTILLO: Object to form.

8 A I -- I believe I already answered that  
9 question. But again, we look at the process of checking  
10 signatures on ballots more in light of -- we want to  
11 make sure that we're using a process that provides every  
12 voter the best chance to have their -- their vote  
13 counted. And so we developed processes that provide  
14 multiple -- multiple-layered review and ultimately, the  
15 canvassing board reviews those on a three-member panel  
16 using the training and the characteristics that are set  
17 forth in the WAC.

18 Q And when Benton County was informed by the  
19 Washington State Auditor's office through their  
20 performance audit that there is a disparity between  
21 Latino and non-Latino ballots in terms of the signature  
22 verification processes, did Benton County take any steps  
23 then to determine whether or not they needed to change  
24 their processes?

25 A We did -- we did receive a list of

1 Q Is there anything else that you can think of?  
2 You know, complaints, allegations, negative reviews, you  
3 know, informal conversations, that Benton County has had  
4 or received with voters regarding its signature-matching  
5 process?

6 MS. CASTILLO: Object to form.

7 A No -- no specific complaints come to mind.

8 Q Ms. Chilton, I think we've talked about it  
9 throughout this deposition pretty extensively, which is  
10 the cure process that Benton County undertakes, so  
11 apologies if maybe we're just rehashing. I think I just  
12 want to get it -- get a good understanding of it, so I  
13 hope that's okay. Is it the case that cure letters are  
14 sent to voters after the second tier of review in Benton  
15 County?

16 A Correct.

17 Q And who is responsible for sending those cure  
18 letters?

19 A So the elections -- it's generally the  
20 elections systems supervisor. Sometimes it might be the  
21 elections manager or the elections specialist who, after  
22 they've reviewed, done the second-tier review, and if  
23 their opinion is that the -- the ballot is still in a  
24 challenged status, then they queue up through the VoteWA  
25 system a letter to go out to each of the -- of those

1 individuals. So it's managed onsite, but because the  
2 data is in VoteWA -- and then, you know, depending on  
3 workflow that day, it may be assigned, like -- the  
4 folding and stuffing and all of that may be assigned to,  
5 you know, a junior staff member.

6 But it's -- ultimately, it's the elections  
7 systems supervisor or someone standing in their place  
8 that day. It's their responsibility to make sure that  
9 those get queued up and assigned. They may even fold  
10 and stuff them themselves depending on what the workflow  
11 is that day. But generally, they go out same day.  
12 Sometimes they go out the next morning if the -- if it  
13 was a heavy -- heavy ballot day and signature review  
14 didn't finish until the end of the day and delivery to  
15 the post office got delayed until the next morning.

16 Q Yeah. So it would be the case -- generally  
17 it's the same day unless y'all miss the mailing period.

18 A Correct.

19 Q Okay. And when a voter sends back their cure  
20 letter, what happens next?

21 A So at the same time we go to the post office  
22 to pick up ballots every day, 'cause we do pick up  
23 ballots every day, there's usually cure letters in with  
24 those. And sometimes voters drop those in the ballot  
25 box as well, so -- a voter may drop them off. Those are

## 1 CERTIFICATE OF DEPOSITION OFFICER

2 I, DENISE DE LA CRUZ, the officer before whom  
3 the foregoing proceedings were taken, do hereby certify  
4 that any witness(es) in the foregoing proceedings, prior  
5 to testifying, were duly sworn; that the proceedings  
6 were recorded by me and thereafter reduced to  
7 typewriting by a qualified transcriptionist; that said  
8 digital audio recording of said proceedings are a true  
9 and accurate record to the best of my knowledge, skills,  
10 and ability; that I am neither counsel for, related to,  
11 nor employed by any of the parties to the action in  
12 which this was taken; and, further, that I am not a  
13 relative or employee of any counsel or attorney employed  
14 by the parties hereto, nor financially or otherwise  
15 interested in the outcome of this action.

16 

17 DENISE DE LA CRUZ

18 Notary Public in and for the  
19 State of California  
20

21 [X] Review of the transcript was requested.  
22  
23  
24  
25

CERTIFICATE OF TRANSCRIBER

I, SARA CRAWFORD, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink that reads "Sara Crawford". The signature is written in a cursive, flowing style.

SARA CRAWFORD